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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/314,262 05/18/99 VIERK

S A-66435/JAS/

EXAMINER

IM22/0220

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RESAN.S

ART UNIT

PAPER NUMBER

1773

DATE MAILED:

02/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

02/314262

Applicant(s)

VIENK & al

Examiner

RESW

Group Art Unit

1773

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

P r i d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "such as" in claims 4 renders the claim indefinite (See MPEP 2173.05(d)).

Claims 5-7 are rejected for their dependence upon a claim rejected under 35 U.S.C. 112. Claim 8 has no antecedent basis for "one or more" in claim 1. The examiner suggests amending to "at least one".

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

4. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 19, 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Woo U.S. 5,458,940.

Woo discloses an equivalent means for a disk to exhibit a modulus of about 350 kpsi or greater (i.e. The means is an aluminum substrate). Woo further includes a means for damping energy i.e. a damping layer.

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6. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Evans et al 4,680,211.

See Table I PMMA and SAMS 50.

7. Claims 1, 2, 4-7, 11-13 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kuromiya et al U.S. 5,585,989.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 8-10, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuromiya et al as applied above in view of Landin U.S. Re 36,806.

Kuromiya et al do not disclose a disk having more than one layer as in claims 8-10, 14-18. However, Landin disclose a composite substrate wherein two structural layers are provided with an intervening a damping layer (Fig 2) Landin et al teaches that structural materials may include organic material/resin (Col. 5, line 62). Therefore, it would have been obvious to one of ordinary skill in the art to employ the damping layer of Landin in a composite comprising structural layers as taught by Kuromiya et al. The limitation of claims 16-18 correspond to the limitation of claims 5-7 previously discussed above. With respect to claims 3, 15 it would have been obvious to one of ordinary skill in the art that other Engineering Plastic Resins could be used in the structure of

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Landin et al. The selection of members of a class of prior art polymers which are best suited for a particular purpose is not a patentable invention Ex parte Fauser (PO BA 1953) 128 USPQ 156.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Landin '931 is cited for teaching a laminate construction to damp vibration which may be adhered to a disk.


Tokai Rubber is cited for teaching that polynorborene damps vibrations and can be used in a hard disk composite structure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stevan A. Resan whose telephone number is (703) 308-4287. The examiner can normally be reached on Tues. - Fri. from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.

Stevan A. Resan/om
February 10, 2001


STEVAN A. RESAN
PRIMARY EXAMINER